

SENATE AMENDMENTS

2nd Printing

By: Howard, Coleman, Collier, Klick, Price

H.B. No. 2696

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a grant program for and a study on reducing workplace
3 violence against nurses.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 105.001, Health and Safety Code, is
6 amended by adding Subdivisions (3), (4), (5), and (6) to read as
7 follows:

8 (3) "Freestanding emergency medical care facility"
9 means a facility licensed under Chapter 254.

10 (4) "Home health agency" means a home and community
11 support services agency licensed under Chapter 142.

12 (5) "Hospital" means a general or special hospital
13 licensed under Chapter 241, a private mental hospital licensed
14 under Chapter 577, or a hospital that is maintained or operated by
15 this state or an agency of this state.

16 (6) "Nursing facility" means an institution licensed
17 under Chapter 242.

18 SECTION 2. Chapter 105, Health and Safety Code, is amended
19 by adding Sections 105.009 and 105.010 to read as follows:

20 Sec. 105.009. STUDY ON WORKPLACE VIOLENCE AGAINST NURSES.

21 (a) To the extent funding is available, the nursing resource
22 section established under Section 105.002 shall conduct a study on
23 workplace violence against nurses in hospitals, freestanding
24 emergency medical care facilities, nursing facilities, and home

1 health agencies. The nursing resource section, in conducting the
2 study, shall:

3 (1) distinguish between verbal and physical violence;

4 (2) determine the practice areas, environments, and
5 settings in which verbal or physical violence is likely to occur;

6 (3) identify practices that prevent or reduce verbal
7 and physical violence against nurses;

8 (4) survey nurses regarding the type and frequency of
9 verbal and physical violence the nurses have experienced in the
10 preceding year and throughout the nurses' careers; and

11 (5) survey hospitals, freestanding emergency medical
12 care facilities, nursing facilities, and home health agencies
13 regarding the occurrence of verbal and physical violence against
14 nurses and specific strategies implemented to prevent verbal and
15 physical violence, including:

16 (A) required reporting of verbal and physical
17 violence;

18 (B) reporting of physical assaults to law
19 enforcement; and

20 (C) implementation of a violence prevention plan
21 and the contents of and personnel covered by the plan.

22 (b) The nursing resource section may contract with an
23 independent researcher to conduct all or part of the study.

24 (c) The nursing advisory committee established by Section
25 104.0155 shall serve as the oversight committee for the study.

26 (d) To the extent possible, the nursing resource section
27 shall cooperate with the department and the Texas Board of Nursing

1 to conduct the study and coordinate the surveys required by this
2 section with surveys required by other provisions of law.

3 (e) Not later than December 1, 2016, the nursing resource
4 section shall complete the study and publish the study findings.

5 (f) The nursing resource section may use money transferred
6 to the department from the Texas Board of Nursing under Section
7 301.155, Occupations Code, to conduct the surveys required by this
8 section.

9 (g) This section expires December 31, 2017.

10 Sec. 105.010. WORKPLACE VIOLENCE PREVENTION GRANT PROGRAM.

11 (a) To the extent funding is available, the nursing resource
12 section established under Section 105.002 shall administer a grant
13 program to fund innovative approaches to reducing verbal and
14 physical violence against nurses in hospitals, freestanding
15 emergency medical care facilities, nursing facilities, and home
16 health agencies.

17 (b) The nursing resource section shall require a grant
18 recipient to submit periodic reports describing the outcome of the
19 activities funded through the grant, including any change in the
20 severity and frequency of verbal and physical violence against
21 nurses.

22 (c) The nursing advisory committee established by Section
23 104.0155 shall serve in an advisory capacity for the grant program.

24 (d) The department shall provide administrative assistance
25 to the nursing resource section in administering the grant program
26 under this section.

27 (e) The executive commissioner shall adopt rules to

1 implement the grant program, including rules governing the
2 submission and approval of grant requests and establishing a
3 reporting procedure for grant recipients.

4 (f) The nursing resource section may use money transferred
5 to the department from the Texas Board of Nursing under Section
6 301.155, Occupations Code, to fund the grants authorized by this
7 section.

8 (g) At least annually, the nursing resource section shall
9 publish a report describing the grants awarded under this section,
10 including the amount of the grant, the purpose of the grant, and the
11 reported outcome of the approach adopted by the grant recipient.

12 SECTION 3. As soon as practicable after the effective date
13 of this Act, the executive commissioner of the Health and Human
14 Services Commission shall adopt the rules necessary to implement
15 Sections 105.009 and 105.010, Health and Safety Code, as added by
16 this Act.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.

ADOPTED

MAY 26 2015

Atty. Gen.
Secretary of the Senate

By: *Caffierini*

H.B. No. 2696

Substitute the following for H.B. No. 2696:

By: *Caffierini*

C.S. H.B. No. 2696

A BILL TO BE ENTITLED

AN ACT

1

2 relating to a study on reducing workplace violence against nurses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 105.001, Health and Safety Code, is
5 amended by adding Subdivisions (3), (4), (5), and (6) to read as
6 follows:

7 (3) "Freestanding emergency medical care facility"
8 means a facility licensed under Chapter 254.

9 (4) "Home health agency" means a home and community
10 support services agency licensed under Chapter 142.

11 (5) "Hospital" means a general or special hospital
12 licensed under Chapter 241, a private mental hospital licensed
13 under Chapter 577, or a hospital that is maintained or operated by
14 this state or an agency of this state.

15 (6) "Nursing facility" means an institution licensed
16 under Chapter 242.

17 SECTION 2. Chapter 105, Health and Safety Code, is amended
18 by adding Section 105.009 to read as follows:

19 Sec. 105.009. STUDY ON WORKPLACE VIOLENCE AGAINST NURSES.

20 (a) To the extent existing funding is available, the nursing
21 resource section established under Section 105.002 may conduct a
22 study on workplace violence against nurses in hospitals,
23 freestanding emergency medical care facilities, nursing
24 facilities, and home health agencies. A study conducted under this

1 section must:

2 (1) distinguish between verbal and physical violence;

3 (2) determine the practice areas, environments, and
4 settings in which verbal or physical violence is likely to occur;

5 (3) identify practices that prevent or reduce verbal
6 and physical violence against nurses;

7 (4) survey nurses regarding the type and frequency of
8 verbal and physical violence the nurses have experienced in the
9 preceding year and throughout the nurses' careers; and

10 (5) survey hospitals, freestanding emergency medical
11 care facilities, nursing facilities, and home health agencies
12 regarding the occurrence of verbal and physical violence against
13 nurses and specific strategies implemented to prevent verbal and
14 physical violence, including:

15 (A) required reporting of verbal and physical
16 violence;

17 (B) reporting of physical assaults to law
18 enforcement; and

19 (C) implementation of a violence prevention plan
20 and the contents of and personnel covered by the plan.

21 (b) The nursing resource section may contract with an
22 independent researcher to conduct all or part of the study.

23 (c) The nursing advisory committee established by Section
24 104.0155 shall serve as the oversight committee for the study.

25 (d) To the extent possible, the nursing resource section
26 shall cooperate with the department and the Texas Board of Nursing
27 to conduct the study and coordinate the surveys under this section

1 with surveys required by other provisions of law.

2 (e) If the nursing resource section conducts a study under
3 this section, not later than December 1, 2016, the nursing resource
4 section shall complete the study and publish the study findings.

5 (f) This section expires December 31, 2017.

6 SECTION 3. As soon as practicable after the effective date
7 of this Act, the executive commissioner of the Health and Human
8 Services Commission shall adopt the rules necessary to implement
9 Section 105.009, Health and Safety Code, as added by this Act.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2696 by Howard (Relating to a study on reducing workplace violence against nurses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 105 of the Health and Safety Code to require that the nursing resource section (Texas Center for Nursing Workforce Studies (TCNWS)) of the Health Provisions Resource Center at the Department of State Health Services (DSHS) conduct a study and publish results on workplace violence against nurses in certain facilities by December 1, 2016. The bill would require that TCNWS cooperate with DSHS and the Texas Board of Nursing to conduct the study. The Texas Board of Nursing and DSHS indicate that the bill could be implemented with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 507 Texas Board of Nursing, 537 State Health Services, Department of

LBB Staff: UP, SD, NB, WP, VJC, SS

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2696 by Howard (Relating to a study on reducing workplace violence against nurses.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 105 of the Health and Safety Code to require that the nursing resource section (Texas Center for Nursing Workforce Studies (TCNWS)) of the Health Provisions Resource Center at the Department of State Health Services (DSHS) conduct a study and publish results on workplace violence against nurses in certain facilities by December 1, 2016. The bill would require that TCNWS cooperate with DSHS and the Texas Board of Nursing to conduct the study. The Texas Board of Nursing and DSHS indicate that the bill could be implemented with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 507 Texas Board of Nursing, 537 State Health Services, Department of

LBB Staff: UP, NB, WP, VJC, SS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2696 by Howard (Relating to a grant program for and a study on reducing workplace violence against nurses.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2696, As Engrossed: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2016	\$309,000	(\$309,000)
2017	\$309,000	(\$309,000)
2018	\$309,000	(\$309,000)
2019	\$309,000	(\$309,000)
2020	\$309,000	(\$309,000)

Fiscal Analysis

The bill would amend Chapter 105 of the Health and Safety Code to require that the nursing resource section (Texas Center for Nursing Workforce Studies (TCNWS)) of the Health Provisions Resource Center at the Department of State Health Services (DSHS) conduct a study and publish results on workplace violence against nurses in certain facilities by December 1, 2016. The bill

would require that TCNWS cooperate with DSHS and the Texas Board of Nursing (BON) to conduct the study.

The bill would also establish a new grant program to fund innovative approaches to reducing workplace violence against nurses. DSHS would be required to provide administrative support to TCNWS for the program. The bill would authorize a transfer of funds from BON to DSHS for the study and the grant program. TCNWS would be required to publish an annual report on expenditures and outcomes related to the program.

Methodology

The TCNWS is currently supported by a \$2 license renewal surcharge assessed by the Board of Nursing on licensed vocational nurse (LVN) renewals and a \$3 surcharge on registered nurse (RN) renewals. This estimate assumes that the study and grant program would be funded by an increase in the surcharge to the maximum allowed by statute: from \$2 to \$3 per LVN renewal and from \$3 to \$5 per RN renewal. BON estimates that 49,000 LVN and 130,000 RN licenses will be renewed in fiscal year 2016. The total increase in revenue to the state would be \$309,000 (49,000 x \$1 LVNs + 130,000 x \$2 RNs).

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 507 Texas Board of Nursing, 537 State Health Services, Department of, 529 Health and Human Services Commission

LBB Staff: UP, NB, WP, VJC, SS

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

TO: Honorable Myra Crowover, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2696 by Howard (Relating to a grant program for and a study on reducing workplace violence against nurses.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2696, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2016	\$309,000	(\$309,000)
2017	\$309,000	(\$309,000)
2018	\$309,000	(\$309,000)
2019	\$309,000	(\$309,000)
2020	\$309,000	(\$309,000)

Fiscal Analysis

The bill would amend Chapter 105 of the Health and Safety Code to require that the nursing resource section (Texas Center for Nursing Workforce Studies (TCNWS)) of the Health Provisions Resource Center at the Department of State Health Services (DSHS) conduct a study and publish results on workplace violence against nurses in certain facilities by December 1, 2016. The bill

would require that TCNWS cooperate with DSHS and the Texas Board of Nursing (BON) to conduct the study.

The bill would also establish a new grant program to fund innovative approaches to reducing workplace violence against nurses. DSHS would be required to provide administrative support to TCNWS for the program. The bill would authorize a transfer of funds from BON to DSHS for the study and the grant program. TCNWS would be required to publish an annual report on expenditures and outcomes related to the program.

Methodology

The TCNWS is currently supported by a \$2 license renewal surcharge assessed by the Board of Nursing on licensed vocational nurse (LVN) renewals and a \$3 surcharge on registered nurse (RN) renewals. This estimate assumes that the study and grant program would be funded by an increase in the surcharge to the maximum allowed by statute: from \$2 to \$3 per LVN renewal and from \$3 to \$5 per RN renewal. BON estimates that 49,000 LVN and 130,000 RN licenses will be renewed in fiscal year 2016. The total increase in revenue to the state would be \$309,000 (49,000 x \$1 LVNs + 130,000 x \$2 RNs).

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 507 Texas Board of Nursing, 537 State Health Services, Department of, 529 Health and Human Services Commission

LBB Staff: UP, NB, WP, VJC, SS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 13, 2015

TO: Honorable Myra Crownover, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2696 by Howard (Relating to a grant program for, and a study on, reducing workplace violence in certain health facilities.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2696, As Introduced: a negative impact of (\$1,839,540) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$901,558)
2017	(\$937,982)
2018	(\$937,982)
2019	(\$840,182)
2020	(\$840,182)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$901,558)	2.5
2017	(\$937,982)	3.0
2018	(\$937,982)	3.0
2019	(\$840,182)	3.0
2020	(\$840,182)	3.0

Fiscal Analysis

The bill would amend the Health and Safety Code by adding a subchapter related to workplace violence. The bill would require that the Department of State Health Services (DSHS) administer a new grant program to fund de-escalation and crisis intervention training at health facilities licensed by DSHS. The agency would be required to submit a biennial report to the governor and

the legislature on expenditures and outcomes. The bill would also require that DSHS conduct a study and submit a one-time report on workplace violence in licensed health facilities; the scope of the study is specified and the requirement would expire on December 31, 2017.

Methodology

DSHS indicates there are 2,685 licensed health facilities in Texas. This estimate assumes that 10 grants would be awarded per fiscal year at \$50,000 each for a total of \$500,000. The cost of the grant program could increase depending on the number of facilities identified as having an elevated risk of workplace violence occurrences. According to DSHS, three FTEs (phased in for 2016) would be required to establish a new grant program. The total cost to administer the grant program would be \$901,558 in fiscal year 2016, \$937,982 in fiscal years 2017 and 2018, and \$840,182 in each fiscal year thereafter (these figures include the \$500,000 grant estimate per year). This includes salary and benefits costs of \$188,730 in fiscal year 2016 and \$251,640 for each year thereafter. It is assumed that DSHS could absorb the cost of the study, due by December 31, 2016, within current resources.

Technology

Technology costs of \$15,696 in fiscal year 2016 and \$2,175 each following year are included in the total costs above.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: UP, NB, WP, VJC, SS